

Board of Selectmen's Meeting Minutes
November 4, 2010
Harpswell Town Office
Approved on November 18, 2010

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Selectmen Present: James S. Henderson, Mark E. Wallace and Elinor Multer

Staff Present: Kristi Eiane, Town Administrator; Terri Sawyer, Deputy Town Administrator

Call to Order and Pledge of Allegiance: The meeting was called to order at 6:30 PM.

The meeting was videotaped and broadcast live on Harpswell Community Television.

1. Adoption of the Agenda: Chairman Henderson moved, seconded by Selectman Wallace to adopt the agenda as amended by adding Consider Contract for Street Lights Electricity under 6; motion passed 3-0.

2. Public Comment: None.

3. Selectmen's Announcements: Chairman Henderson read an update regarding Cedar Beach: The Abrahamsons have offered that the Town purchase from them a public easement to use Cedar Beach Road and Cedar Beach. As part of the Town's due diligence in considering that offer, the Town is having an independent appraiser examine the diminution in current market value of the Abrahamson property that would result from the proposed conveyance of a public easement to the Town. Such an appraisal will assist the Selectmen in their negotiations with the Abrahamsons. The appraisal should be complete in the next few weeks.

4. Approval of the Minutes: Chairman Henderson moved, seconded by Selectman Multer to approve the October 28 minutes; motion passed 3-0.

5. School Closure Cost Review Team (SCCRT) Report: Administrator Eiane stated the SCCRT focused on the cost detail and cost summary portions of the West Harpswell School Closure Report and as of Tuesday, still had one remaining unresolved issue. The regular teacher's salary line increased from approximately \$177,000 to approximately \$199,000 in the 2009-2010 base year. Steve Dyer, Business Manager, phoned late this afternoon and clarified the issue by stating the 2008-2009 salary line was understated and the 2009-2010 line was overstated. Therefore, this overstated figure could affect the \$195,000 total savings figure but since the information was just received, the SCCRT has not had the opportunity to meet and reach a conclusion regarding this particular issue. Administrator Eiane explained that in addition to this issue, the SCCRT had other conceptual matters in its report for the Board. Selectman Multer suggested direct cost related issues could be in one letter to the Commissioner and other points such as the short 10-day comment period should be in another letter to the legislators. Marguerite Kelly, Treasurer and SCCRT member, noted that certain conceptual points in the SCCRT's report are stronger this year as the District had not voted to close WHS in the report's base year (2009-2010). School Board member Dave Johnson requested that the email sent today by Business Manager Dyer be read aloud; Chairman Henderson read the email. Ms. Kelly asked if the Board of Selectmen were provided the previous emails from Business Manager Dyer; the response was yes. Robert McIntyre asked what time comments from the public should be turned in for submittal to the Commissioner; the response was by 2:00 p.m. the next day. Mr. McIntyre commented on some of his cost-related concerns. Selectman Multer questioned whether the SCCRT could meet tomorrow morning and revise its report regarding the teacher salary line. Administrator Eiane responded the Team could but that it is a policy decision for the Board whether it wants to "open up" the prior year's report. Chairman Henderson suggested that if the Commissioner, as part of the review of this new report, decides to reconsider issues from the prior year, then the Town should be prepared to address the principal issue from the prior report. School Board member Joanne Rogers read the portion of Commissioner Gendron's February 23, 2010 letter to Attorney John Shumadine regarding the principal: "If a court ultimately determines that the cost was incorrectly calculated,...then an adjustment could be made in a subsequent year to refund the overage to the Town of Harpswell". Chairman Henderson suggested a possible motion could be that the Board is comfortable with the points made by the SCCRT and authorizes review of new information and revise its report for forwarding to the Commissioner and support the notion that the 10-day comment period is not adequate. Selectman Multer stated the 10-day comment period is better mentioned to our legislators. **Chairman Henderson suggested the Board request the Commissioner to require a resubmission from MSAD 75 and send the SCCRT's report and note any other issues in the Board's cover letter.** Ms. Kelly noted the teacher salary line has a small effect on benefits as well but is likely to be minimal and not worth pursuing. Ms. Kelly stated the SCCRT requested an earlier meeting with Jim Rier, Department of Education, and he declined. Chairman Henderson moved the previously suggested

action (bolded above), seconded by Selectman Wallace. Chairman Henderson withdrew his motion to provide additional direction. Chairman Henderson moved, seconded by Selectman Wallace, if the SCCRT determines that the charges to the Town of Harpswell are incorrect that the Board forwards the Team's report with a request that MSAD 75 be required to resubmit the calculations based on the observations; motion passed 3-0. Chairman Henderson suggested the Board submit non-financial revisions to the Commissioner as well and he reviewed his suggested changes to the Lack of Need Report. Chairman Henderson moved that the Board include his statement as part of the statement to the Commissioner. Alison Hawkes, SCCRT member, suggested that it would be better if Chairman Henderson could actually include how many children the new home figures built in the two school areas will include instead of just the new homes numbers. Selectman Multer opposed Chairman Henderson's statement and Selectman Wallace stated since he just received it, he does not have a comfort level with including it in the appeal to the Commissioner. School Board member Joanne Rogers objected to Chairman Henderson's reference of the District stating that WHS is unprofitable as it is the word used in the law regarding school closures. Leon Ogradnik stated he appreciated Chairman Henderson's statement. Chairman Henderson withdrew his motion to submit the statement from the Board. Chairman Henderson indicated he would proceed with submitting it as an individual member of the Board, but not speaking for the Board

The Board of Selectmen and the Planning Board held a joint public hearing regarding proposed land use ordinance amendments from 7:45 p.m. to 9:25 p.m.

6. Other Business: Consider Contract with Constellation New Energy: Deputy Administrator Sawyer explained the Town's power costs for street lights are about \$27,000 – 28,000. A few years ago the Town's kilowatt charge was over .09/kwh and in March of 2009, the Town entered a fixed kilowatt contract at .0728/kwh. That current contract with Constellation New Energy expires on 12/1/10 and the Town has an offer to enter into another contract with multiple options (12 months-.0551, 24 months-.0571, 36 months-.0587 or 48 months at .0605). Staff recommends entering the 24 month contract at .0571/kwh which will reduce the Town's street light costs by approximately \$1,400. The Town's costs include certain fixed individual street light unit costs plus an additional kilowatt charge for usage. Selectman Multer asked for staff to investigate green energy; Administrator Eiane suggested she would pass the request on to the Board's Energy Committee for review. The Board discussed the different contract options. Chairman Henderson moved, seconded by Selectman Wallace to authorize the Town Administrator to enter into a 2-year contract with Constellation New Energy for a fixed supply price of .0571/kwh; motion passed 3-0.

7. Authorization of the Warrant: Selectman Wallace moved, seconded by Chairman Henderson to authorize warrant #72 in the amount of \$38,109.47; motion passed 3-0. Chairman Henderson moved, seconded by Selectman Multer to authorize warrant #73 in the amount of \$35,282.21; motion passed 2-0 (Selectman Wallace abstained). Payroll warrant #44 in the amount of \$14,286.98 was noted for the record.

The Board reviewed three purchase order requisitions: \$1,390 for carpet cleaning; \$11,600 for winter road salt; and \$1,690 to replace a culvert on Oakledge road.

8. Adjournment: The meeting adjourned by unanimous vote at 9:40 p.m.

Respectfully Submitted,

Terri-Lynn Sawyer